

REMARKS

Claims 1 through 16 and 19 through 36 are pending in this Application. Claims 1, 4, 5, 7 through 12, 16, 19, 23, 26, 28, 29, 35, and 36 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, FIGs. 1 and 2, and ¶¶ [0004] through [0008], [0069], [0096] through [0099], [0104], [0105], [0115], [0124], [0130], and [0131] of the corresponding US Pub. No. 20070082659. Applicant submits that the present Amendment does not generate any new matter issue.

Claims 1 through 8, 12 through 14, 16, 19 through 23, 25 through 29, 31, 32, 35, and 36 were rejected as obvious under 35 U.S.C. §103(a) based on *Imaeda* (US 2004/0204093, “*Imaeda*”) in view of *Kelkar* (US 2004/0198456, “*Kelkar*”).

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify the wireless communication system of *Imaeda*, that stores data from a memory card in an external device, by including the SIM card of *Kelkar*, to provide an efficient communication terminal. Applicant respectfully traverses this rejection.

The claimed inventions use an independent interchangeable memory to **automatically** set up a connection between a mobile terminal device and a server via a cellular network interface of the mobile terminal, and to activate a cellular network application that is independent from a cellular network communication application activated via the SIM card of the mobile device. In particular, the claimed inventions provide an interchangeable memory different from a SIM card (¶¶ [0018]; [0069]; e.g., a multimedia card (MMC)).

Specifically, independent claims 1, 12, 19, and 26 recite, *inter alia*, “detecting that an interchangeable memory has been connected to a mobile terminal device which device includes an interface for connecting an interchangeable memory and a cellular network interface, **the interchangeable memory being separated from a SIM card of the mobile device**; and **automatically** setting up a connection between the mobile terminal device and said server via said cellular network interface and **activating a cellular network application that is independent from a cellular network communication application activated via the SIM card of the mobile device.**”

Applicant respectfully contends that none of the applied references, taken singly or in any combination, disclose or suggest the above-described independent interchangeable memory working in conjunction with a wireless terminal. As admitted by the Examiner, *Imaeda* does not provide the claimed interchangeable memory. The secondary reference to *Kelkar* does not cure the previously argued deficiencies of *Imaeda*.

Kelkar's SIM card is said to cover the interchangeable memory as claimed. However, *Kelkar*'s SIM card is not an independent interchangeable memory “being separated from a SIM card of the mobile device” as recited in the claimed inventions. In addition, *Kelkar*'s SIM card does not store “a cellular network application that is independent from a cellular network communication application activated via the SIM card of the mobile device”, as recite in the claimed inventions. Moreover, *Kelkar* **teaches away** from the claimed inventions by using an access restriction list (§ [0034]), rather than an access enabled list of competitors or game partners (§ [0137]).

Claim 36, the patentability of which is separately advocated, recites that the interchangeable memory is detected **while** the mobile terminal is activated for wireless

communication. In contrast, *Kelkar's* SIM card is detected **then** the mobile terminal is activated for wireless communication.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1 through 8, 12 through 14, 16, 19 through 23, 25 through 29, 31, 32, 35, and 36 under 35 U.S.C. § 103 for obviousness based on *Imaeda* in view of *Kelkar* is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 9 through 11, 15, 24, 30, 33, and 34 were rejected as obvious under 35 U.S.C. §103(a) based on *Imaeda* in view of *Kelkar* and well known prior art (MPEP 2144.03).

This rejection is traversed.

Specifically, claims 9 through 11 depend from independent claim 1, claim 15 depends from independent claim 12, claim 24 depends from independent claim 19, and claims 30, 33, and 34 depend from independent claim 26. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1, 12, 19, and 26 under 35 U.S.C. § 103 for obviousness based on the combined disclosures of *Imaeda* and *Kelkar*. The asserted *well known prior art* does not cure the previously argued deficiencies in the attempted combination of *Imaeda* and *Kelkar*.

Moreover, Applicant separately argues the patentability of claims 9 and 10. Specifically, claim 9 recites that the server resides in another mobile terminal (¶¶ [0130], [0131]). The cited references are silent with respect to this feature. Claim 10 recites “hot-swapping the

interchangeable memory with another interchangeable memory without powering the mobile terminal off (§ [0014]).” A SIM card simply cannot be hot-swapped, since doing so will turn off the mobile terminal and the communication connection.

Based upon the foregoing, even if the applied references are combined as proposed by the Examiner, and again Applicant does not agree that the requisite basis to support the asserted motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra*. Applicant, therefore, submits that the imposed rejection of claims 9 through 11, 15, 24, 30, 33, and 34 under 35 U.S.C. § 103 for obviousness predicated upon *Imaeda* in view of *Kelkar* and the asserted *well known prior art* is not factually or legally viable and, hence, solicits withdrawal thereof.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-519-9954 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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